

REMARKS

This is in response to the Office Action of September 17, 2008. Applicants gratefully acknowledge the Examiner's indication that this application is drawn to patentable subject matter. Claims 47-51 are cancelled, without. Claims 22, 24, 26-29, 31, and 32 are amended to correct a spelling error. Claim 1 is amended to delete a formula which was intended to have been deleted in a previous Amendment. No new matter is introduced. Claims 1-46 remain in the application.

Rejoinder requested

This application is the U.S. national phase of a PCT application. Accordingly, 'unity of invention' rules apply. Applicants respectfully submit that claims 1-46 have unity of invention with respect to one another. Moreover, in any case, MPEP 1893.03(d) provides that any non-elected process of making and/or using an allowable product should be considered for rejoinder, following the practice set forth in MPEP 821.04(b). According, since process claims 33 and 34 are drawn to processes of making the claim 1 compounds, and since method of use claims 35-45 are drawn to processes of using the claim 1 compounds, rejoinder of claims 33-45 with allowable claim 1 is earnestly solicited.

Rejection under the second paragraph of 35 U.S.C. § 112

Claims 1, 2, 4, 5, 7, 8, 10, 12, 14, 16, 18, 20, 22, 23, 25-29, 31, 32, and 46 were rejected under the second paragraph of 35 U.S.C. § 112. Office Action, pages 3-4. Claims 22, 24, 26-29, 31, and 32 are amended to correct a spelling error with respect to the propynyl moiety. Claim 1 is amended to delete a formula which should have been deleted in a previous Amendment. It is respectfully submitted that the claims in their present form satisfy the requirements of the statute.

Contact information

The Examiner is respectfully requested to contact Richard Gallagher, Registration No. 28,781, at (703) 205-8008 with any questions concerning this application.

Application No.: 10/562,559

Docket No.: 2294-0125PUS1

Dated: January 21, 2009

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Falls Church, Virginia

(703) 205-8000

Attorney for Applicant